

## SCHEDULE 12

Regulation 2(1)

### Operational requirements of notified bodies

**1.** Notified bodies must carry out conformity assessments in accordance with the conformity assessment procedures provided for in regulations 42 (applicable conformity assessment procedures) to 52 (conformity assessments carried out under module C (conformity to type based on internal production control)).

**2.** Conformity assessments must be carried out in a proportionate manner, avoiding unnecessary burdens for economic operators and private importers. Conformity assessment bodies must perform their activities taking due account of the size of an undertaking the sector in which it operates, its structure, the degree of complexity of the watercraft technology in question and the mass or serial nature of the production process.

**3.** Conformity assessment bodies must respect the degree of rigour and level of protection required for the compliance of the watercraft with the Directive.

**4.** Where a notified body finds that the requirements of regulation 6 (essential requirements) and Schedule 1 or the corresponding harmonised standards have not been met by the manufacturer or a private importer, that body must require that the manufacturer or private importer takes appropriate corrective measures and must not issue a conformity assessment certificate until the appropriate corrective measures have been taken.

**5.** Where, in the course of the monitoring of the conformity of the watercraft following the issue of a conformity assessment certificate, a notified body finds that a watercraft is no longer in compliance, it will require the manufacturer to take appropriate corrective measures and must suspend or withdraw the conformity assessment certificate if necessary.

**6.** Where corrective measures are not taken or do not have the required corrective effect, the notified body must restrict, suspend or withdraw any conformity assessment certificates as appropriate.

**7.—(1)** A notified body must inform the Secretary of State in writing of—

- (a) any refusal, restriction, suspension or withdrawal of a conformity assessment certificate;
- (b) any circumstances affecting the scope of and conditions for notification; and
- (c) any request for information which the notified body has received from a market surveillance authority regarding conformity assessment activities.

**(2)** A notified body must, following a request from the Secretary of State, inform the Secretary of State in writing of any conformity assessment activities performed within the scope of its notification provided under regulation 56 and any other activity performed, including cross-border activities and subcontracting.

**8.** A notified body must make provision in its contracts with its clients enabling such clients to appeal against a decision—

- (a) to refuse to issue a certificate of conformity or grant approval; and
- (b) to restrict, suspend or withdraw a certificate of conformity or approval.

**9.** A notified body must provide other bodies notified under these Regulations carrying on similar conformity assessment activities covering the same products with relevant information on issues relating to negative and, on request, positive conformity assessment results.

**10.** A notified body must participate in the work of any notified body coordination group established under the Directive, directly or by means of its designated representatives.